## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

IN RE: CHANTIX (VARENICLINE) PRODUCTS LIABILITY LITIGATION

Master File No.: 2:09-CV-2039-IPJ

MDL No. 2092

This Document Relates To:

ALL CASES

PRETRIAL ORDER NO. 5

MASTER CONSOLIDATED
COMPLAINT FOR INDIVIDUAL
CLAIMS AND CORRESPONDING
SHORT FORM COMPLAINT

On March 23, 2010, Plaintiffs, by and through Plaintiffs' Lead Counsel, filed a Master Consolidated Complaint for Individual Claims. Additionally, Plaintiffs' Lead Counsel submitted a corresponding Master Short Form Complaint to the Court, attached hereto as Exhibit A.

## The court hereby FINDS and ORDERS:

- 1. The Master Consolidated Complaint for Individual Claims contains allegations that are suitable for adoption and incorporation by reference in lawsuits filed by individuals consolidated in MDL No. 2092.
- 2. The Master Short Form Complaint is appropriate for adoption and incorporation by reference of the allegations, causes of action and theories of recovery contained in the Master Consolidated Complaint for Individual Claims.

3. Individuals who wish to utilize the Master Short Form Complaint may do so by following the filing guidelines outlined in Pretrial Order No. 2.

- 4. Any plaintiff who, prior to the date of this Order, has filed a Complaint in this MDL or filed a Complaint that has been transferred to this MDL, may within 60 days of the date of this Order amend the Complaint without further leave of Court to adopt causes of action set forth in the Master Consolidated Complaint. For purposes of application of statutes of limitation and/or repose, any such amendment shall be deemed to have been filed as of the date of the filing of the Master Consolidated Complaint.
- 5. For purposes of the application of statutes of limitation and/or repose, any plaintiff who files a Complaint in this MDL after the date of this Order (or files a Complaint that is transferred to this MDL after the date of this Order) and who adopts the causes of action in the Master Consolidated Complaint shall be deemed to have so amended his or her Complaint as of the date of such adoption, not the date of filing of the Master Consolidated Complaint.

**DONE** and **ORDERED** this the 23<sup>rd</sup> day of March, 2010

INGE PRYTZ JOHNSON

U.S. DISTRICT JUDGE